

After an appeal had been taken, the plaintiff, on dismissing his appeal, allowed to amend his bill, on which a new injunction was granted on terms. Three kinds of corporations, in reference to their objects; the nature of each considered.

Public corporations, having neither power nor property for the purposes of personal aggrandizement, can only be considered as auxiliaries of the Government, and consequently as the deputy trustees and servants of the people. (b)

Such corporations are subject to the absolute control of the Government, and the right to establish, alter or abolish them follows from their character as mere municipal regulations. (c)

How a corporation may sue or be sued; and to what actions it may be liable. The proceedings against a corporation to enforce an answer, or obedience to a decree.

The proceeding by publication, on the ground that the defendant does not reside in the State, does not apply to those, such as mariners, who are temporarily absent in their vocation.

There can be no substituted service of a subpoena to answer an amended bill upon a solicitor, as against a resident defendant.

THIS bill was filed on the 23d of June, 1827, by William S. Moore and John McKim, Junior, against John Odom, George Law, William G. Harrison, William F. Anderson, and the President and Directors of the Franklin Bank of Baltimore. The bill states, that the plaintiff Moore and the defendant Odom, being joint and equal owners of the schooner *Beauty*, sent her on a voyage from Baltimore to Montevideo, under Odom as master; that, for the better management of the concerns of their vessel, they employed the defendants Law & Harrison, then partners in trade, as her ship's husband; that it was agreed by these owners, before their vessel sailed, that she might be sold, and she was sold accordingly, at Montevideo, for about \$12,000; and there were remitted in specie, by the United States ship *Cyane*, as a part of the proceeds of sale, about \$9,000, will a bill of lading for the defendant

**408** Law; \* that on the 10th of April, 1826, the plaintiff Moore assigned all his interest in the schooner and her earnings to the plaintiff McKim, of which Law was duly notified; that after-

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(b) Affirmed in *Baltimore v. Reynolds*, 20 Md. 14. See *State v. R. R. Co.* 12 G. & J. 400, note (c.)

(c) Approved in *Laramie County v. Albany County*, 92 U. S. 310, where it was held that unless the Constitution of a State, or the organic law of a Territory, otherwise prescribes, the Legislature has the power to diminish or enlarge the area of a county, whenever the public convenience or necessity requires. In *Mount Pleasant v. Beckwith*, 100 U. S. 514, it was held that where a municipal corporation is legislated out of existence and its territory annexed to other corporations, the latter, unless the Legislature otherwise provides, become entitled to all its property and immunities, and severally liable for a proportionate share of its then subsisting legal debts, and vested with its power to raise revenue wherewith to pay them by levying taxes upon the property transferred and the persons residing thereon.